

AFFIDAVIT OF SPECIAL AGENT CRAIG R. HARVEY IN SUPPORT OF AN APPLICATION FOR CRIMINAL COMPLAINT

I, Special Agent Craig R. Harvey, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since July 2018. I am currently assigned to the Boston Field Office, North Shore Gang Task Force (“FBI Task Force”). The primary mission of the FBI Task Force is to identify, investigate, disrupt, and dismantle violent criminal organizations operating in cities north of Boston. My responsibilities include the investigation of possible violations of federal law, including illegal possession/transfer of firearms, firearms trafficking, narcotics trafficking, and violent crimes involving firearms and narcotics trafficking. I have received training and experience in various aspects of criminal law and procedure, including electronic and physical surveillance, interrogations, stops, searches, seizures, and arrests for a variety of criminal offenses. Through my training, knowledge, and experience, I have become familiar with the habits, methods, routines, practices and procedures commonly employed by persons engaged in the use and trafficking of illegal firearms and narcotics, including persons involved in criminal organizations. My investigations have included the use of surveillance techniques and the execution of search, seizure, and arrest warrants.

2. This affidavit supports an application for criminal complaint charging CESAR RIVERA with: Count One, Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. § 841(a), and Count Two, Conspiracy to Possess Firearms in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(o).

3. The information contained in this affidavit is based on my personal observations and review of records and reports, my training and experience, and information obtained from other

FBI and ATF agents, Massachusetts State Police (“MSP”) Troopers, local police officers and witnesses. The dates and times in this affidavit are approximate. This affidavit is submitted for the limited purpose of establishing probable cause for the issuance of the requested criminal complaint and arrest warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

I. BACKGROUND OF CESAR RIVERA

4. I am familiar with CESAR RIVERA who has a date of birth of XX/XX/1999. RIVERA has no adult criminal convictions but has five open criminal cases.

April 2019 Arrest After Shooting

5. I am familiar with RIVERA’s past firearms arrests. In particular, RIVERA was arrested on April 8, 2019, after Everett Police responded to a ShotSpotter activation. Following the investigation, five firearms and numerous rounds of ammunition were recovered. Two shell casings were also recovered. The firearms recovered were: (1) a 9mm Luger caliber, Glock, model 19, semi-automatic pistol, serial number MUP378; (2) a .38 Special caliber, Rossi, model M68, revolver, serial number D636253; (3) a .40 S&W caliber, Glock, model 23 Gen 4, semi-automatic pistol, serial number UPP044; (4) a .22 Long Rifle caliber, Intratec, model Tec-22, semi-automatic pistol, serial number 049751; and (5) a 9mm Luger caliber, Glock, model 43, semi-automatic pistol, serial number ACXP455. All five weapons were analyzed at the Massachusetts State Police crime laboratory and determined to be operable firearms.

6. The firearms were also analyzed for the presence of trace evidence, and latent fingerprints were recovered from the Glock model 43, serial number ACXP455. The latent fingerprints recovered from the Glock model 43, serial number ACXP455 were matched to RIVERA by an examiner from the Massachusetts State Police crime laboratory. The two recovered shell casings

were also analyzed by a ballisticsian and a comparison of the tool markings revealed that the Glock model 43, serial number ACXP455 had fired the discharged shell casings.

7. RIVERA was charged with state firearms offenses, including unlawful possession and discharge, in relation to this incident. See Malden District Court, Docket Nos. 1950CR000759, 1950CR001175. In or about September 2019, a warrant issued for RIVERA's arrest after he defaulted from Malden District Court on this case, and he remained in default until on or about December 23, 2020, when he was arrested.

8. I am also aware through the course of this investigation that these five firearms recovered on April 8, 2019, were depicted in a music video entitled "Ten Toes Down" that is believed to have been filmed on the same day of RIVERA's arrest. During the course of the music video numerous individuals affiliated with racketeering enterprises known as Epic Nation the Label (ENTL), the Little Crip Gangsters (LCG), and Tiny Rascals Gang (TRG) can be seen holding firearms in the music video, and the lyrics to the song discuss drug distribution, and willingness to commit violence. A still image follows with an individual identified to be RIVERA outlined in red:



9. The following is a still image from Ten Toes Down depicting the various firearms visible in the video. Among the firearms depicted in the video that were recovered later that evening are the Intratec, model Tec-22, serial number 049751 (outlined in blue), and the .38 Special caliber Rossi model M68 revolver (outlined in red). Additionally, three Glock style firearms similar to those later recovered can also be seen (outlined in white).



II. DECEMBER 22, 2020 ARREST

10. In or about December of 2020, law enforcement sought to locate RIVERA, who was wanted on four warrants. On December 22, 2020, MSP Troopers, Somerville Police, the FBI Violent Crimes Task Force, and the U.S. Marshals Services (collectively, "law enforcement") located RIVERA, along with two other male individuals, at a public car wash in Malden, Massachusetts.

11. An MSP Trooper called to RIVERA by his name, informed RIVERA that he was under arrest, and placed him into custody. Law enforcement located the following on RIVERA's person:

- a. Glock 26 9mm pistol, serial number ABVZ275, with a loaded high-capacity magazine containing 9 rounds;
- b. Approximately 28 grams of white rock-like substance, packed in 7 plastic bags. This substance was later tested at the Massachusetts State Police crime laboratory (MSPCL) and confirmed to be cocaine base;

- c. More than 8 grams of brown powdery substance, analyzed and confirmed to be fentanyl by the MSPCL;
- d. Approximately 7 grams of green vegetative matter, consistent with marijuana; and
- e. Approximately \$2,709 in U.S. currency.

12. The Glock 26 9mm pistol, serial number ABVZ275, was determined to be an operable firearm through testing firing at the Massachusetts State Police crime laboratory.

13. During law enforcement's attempt to arrest RIVERA, one of the male individuals ("Individual 2") pushed a law enforcement officer attempting to assist. Law enforcement attempted to prevent Individual 2 and the third individual ("Individual 3") from interfering and placed Individual 2 and 3 in handcuffs. Law enforcement observed a large bulge in Individual 2's pants pocket and during a pat-down of Individual 2, recovered a Smith and Wesson .40 caliber pistol with a loaded magazine from Individual 2's pant leg. During a search of Individual 3's person, a prescription bottle with a destroyed label containing 82 suspected oxycodone pills and approximately \$354 in U.S. currency were located.

CONCLUSION

14. Based the foregoing, there is probable cause to believe that RIVERA violated 21 U.S.C. § 841(a)(1), by possessing 28 grams of cocaine base, and fentanyl with intent to distribute on December 22, 2020. Further, there is probable cause that RIVERA violated 18 U.S.C. § 924(o), by conspiring to possess firearms in furtherance of, and using and carrying firearms during and in relation to, a drug trafficking crime on the date of April 8, 2019, and December 22, 2020.

Sworn to via telephone in accordance with Federal Rule of Criminal Procedure 4.1 on June 29, 2021.



Craig R. Harvey
Special Agent
Federal Bureau of Investigation

Sworn to under the penalties of perjury by telephone in accordance with Fed. R. Crim. P. 4.1 on June 29, 2021.



HON. DONALD L. CABELL
UNITED STATES MAGISTRATE JUDGE

